

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**MAKETSHA CONFRON, for
Minor Jamarco Willingham**

PLAINTIFFS

VS.

4:18-CV-00276-BRW

MERCK & CO., INC.

DEFENDANT

ORDER

Plaintiff filed a complaint in Pulaski County Circuit Court on behalf of her minor child.

On April 25, 2018 Defendant removed the case to this Court.¹

Since Maketsha Confron, is not a licensed attorney, filing the complaint on behalf of her minor child constitutes the unauthorized practice of law.²

Individuals who are not licensed attorneys can appear in the courts and engage in the practice of law provided that they do so for themselves and in connection with their own business.³ However, it is well settled that only a licensed attorney may represent another party in court.⁴ Arkansas law strongly disfavors non-lawyers representing the interests of others:

In light of our duty to ensure that parties are represented by people knowledgeable and trained in the law, we cannot say that the unauthorized practice of law simply

¹Doc. No. 1.

²*Bass ex rel. L.B. v. State*, 93, Ark. App. 411, 413-414 (2005) (holding that a non-lawyer father's attempt to appeal on behalf of his minor child constituted the unauthorized practice of law).

³*Stewart v. Hall*, 129 S.W.2d 238 (Ark. 1939).

⁴See *Joshua Bldg. Trust v. Clementi*, 78 F.3d 588 (8th Cir. 1996) (A non-lawyer trustee may not represent a trust *pro se* in federal court.); *Knoefler v. United Bank of Bismarck*, 20 F.3d 347 (8th Cir. 1994) (Non-lawyer purported trustees could not represent trust in court of United States.); *Abel v. Kowalski*, 913 S.W.2d 788 (Ark. 1996) (Appellant, who appeared *pro se*, but tendered a motion on behalf of other appellants, is not a licensed attorney, may not practice law in Arkansas, and may not represent other appellants.).

results in an amendable defect. Where a party not licensed to practice law in this state attempts to represent the interests of others by submitting himself or herself to jurisdiction of a court, those actions such as the filing of pleadings, are rendered a nullity.⁵

When a non-lawyer attempts to represent the interests of other persons, the practice constitutes the unauthorized practice of law and results in a nullity.

CONCLUSION

Based on the findings of fact and conclusions of law above, this case is DISMISSED as a nullity.

IT IS SO ORDERED this 8th day of May, 2018.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

⁵*McKibben v. Mullis*, 90 S.W.3d 442, 450 (Ark. App. 2002).